

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP CAPE,

Defendant.

CRIMINAL NO.

HON.

VIO: 18 U.S.C. § 2422(b)

Case: 5:21-cr-20548  
Assigned To : Levy, Judith E.  
Referral Judge: Stafford,  
Elizabeth A.  
Assign. Date : 8/23/2021

**INFORMATION**

THE UNITED STATES ATTORNEY CHARGES:

**COUNT ONE**

18 U.S.C. § 2422(b)

*Attempted Coercion and Enticement of a Minor*

From on or about September 22, 2018, through on or about February 20, 2020, in the Eastern District of Michigan and elsewhere, the defendant, PHILLIP CAPE, did knowingly use a facility and means of interstate and foreign commerce to knowingly persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in any sexual activity for which any person could be charged with a criminal offense, and did attempt to do so, all in violation of 18 U.S.C. § 2422(b).

## **FORFEITURE ALLEGATIONS**

The allegations contained in Count One of the Information are incorporated by reference for the purpose of alleging forfeiture. Upon conviction of any of the offenses charged in Count One of the Information, the defendant shall, forfeit to the United States the following:

- Pursuant to 18 USC § 2428(a)(1), any property, real or personal, used or intended to be used to commit or to facilitate the commission of such offense; and
- Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any property, real or personal, that constitutes or is derived from proceeds traceable to a violation of the offense.

If any property described in the paragraphs above as being forfeitable pursuant to 18 U.S.C. § 2253, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b), intends to seek forfeiture of all other property of the defendant up to the value of the above-described forfeitable property.

SAIMA S. MOHSIN  
Acting United States Attorney

Benjamin C. Coats  
Chief, Major Crimes Unit  
Assistant United States Attorney

*s. Meghan Sweeney Bean*  
Meghan Sweeney Bean  
Assistant United States Attorney

Dated: August 23, 2021

United States District Court Eastern District of Michigan	<b>Criminal Case Cover Sheet</b>	Case Number
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	<b>Companion Case Number:</b>
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials:

**Case Title:** USA v. Phillip Cape

**County where offense occurred :** Oakland

**Check One:**     **Felony**                     **Misdemeanor**                     **Petty**

Indictment/  Information --- **no** prior complaint.  
 Indictment/  Information --- based upon prior complaint [Case number: 20-mj-30088]  
 Indictment/  Information --- based upon LCrR 57.10 (d) [*Complete Superseding section below*].

### **Superseding Case Information**

**Superseding to Case No:** \_\_\_\_\_                    **Judge:** \_\_\_\_\_

Corrects errors; no additional charges or defendants.  
 Involves, for plea purposes, different charges or adds counts.  
 Embraces same subject matter but adds the additional defendants or charges below:

<b><u>Defendant name</u></b>	<b><u>Charges</u></b>	<b><u>Prior Complaint (if applicable)</u></b>
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**Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

August 23, 2021

Date

s/ Meghan Sweeney Bean

Meghan Sweeney Bean  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3277  
Phone: 313-226-0214  
Fax: 313-226-2372  
E-Mail address: meghan.bean@usdoj.gov  
Attorney Bar #: P80790

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.